

AMENDED IN ASSEMBLY AUGUST 22, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

Assembly Joint Resolution

No. 27

Introduced by Assembly Member Donnelly
(Coauthors: Assembly Members Allen, *Grove*, Harkey, Jones,
Mansoor, Olsen, and Wilk)
(Coauthor: Senator Anderson)

July 2, 2013

Assembly Joint Resolution No. 27—Relative to privacy.

LEGISLATIVE COUNSEL'S DIGEST

AJR 27, as amended, Donnelly. Limiting Internet and Blanket Electronic Review of Telecommunications and Email Act.

This measure would urge Congress to pass and the President to sign into law the Limiting Internet and Blanket Electronic Review of Telecommunications and Email Act (LIBERT-E Act), and ensure that the American people are protected from massive invasions of their privacy.

Fiscal committee: no.

- 1 WHEREAS, Representative Justin Amash, Chairman of the
- 2 House Liberty Caucus, and Representative John Conyers, Jr., the
- 3 Ranking Member on the House Judiciary Committee, announced
- 4 the introduction of bipartisan legislation to address National
- 5 Security Agency (NSA) surveillance; and
- 6 WHEREAS, House Resolution 2399, the Limiting Internet and
- 7 Blanket Electronic Review of Telecommunications and Email Act
- 8 (LIBERT-E Act), restricts the federal government's ability under
- 9 the Patriot Act to collect information on Americans who are not

1 connected to an ongoing investigation. The bill also requires that
2 secret Foreign Intelligence Surveillance Act (FISA) court opinions
3 be made available to Congress and summaries of the opinions be
4 made available to the public; and

5 WHEREAS, A coalition of 32 Members of Congress joined
6 Representatives Conyers and Amash in introducing the bill late
7 Monday, June 17, 2013; and

8 WHEREAS, In a statement, Representatives Conyers and Amash
9 stated: “The recent NSA leaks indicate that the federal government
10 collects phone records and intercepts electronic communications
11 on a scale previously unknown to most Americans. The LIBERT-E
12 Act imposes reasonable limits on the federal government’s
13 surveillance”; and

14 WHEREAS, Representatives Conyers and Amash also stated:
15 “[The LIBERT-E Act] also makes sure that innocent Americans’
16 information isn’t needlessly swept up into a government database”;
17 and

18 WHEREAS, Thirty-two Representatives from both sides of the
19 aisle cosponsored the LIBERT-E Act; and

20 WHEREAS, Representative Judy Chu of California stated:
21 “Oversight conducted in secret defeats its purpose. Congress should
22 be able to have an open dialogue with the American people on
23 how our surveillance programs impact individual privacy. That’s
24 why I support the release of unclassified reports by the
25 Administration on how FISA powers are used. We must protect
26 our national security operations, but we need to strike a balance
27 between clandestine efforts and transparency in our society”; and

28 WHEREAS, Representative Barbara Lee of California stated:
29 “The right to privacy in this country is non-negotiable. While I
30 believe that national security is essential, we must protect our most
31 basic civil liberties and move forward in a way that does not
32 sacrifice our American values and freedoms. I’m proud to be an
33 original co-sponsor of this bill, which ensures that we keep a better
34 balance between our privacy and our national security by limiting
35 the scope of records that can be handed over and by re-establishing
36 and strengthening Congress’ vital role of accountability and
37 oversight of this issue”; and

38 WHEREAS, Representative Zoe Lofgren of California stated:
39 “Increasingly it seems surveillance laws are used in ways that do
40 not always respect Americans’ Constitutional rights for privacy

1 or provide adequate transparency to ensure the government is
2 acting appropriately. The revelations that these laws that should
3 be targeting threats to our country have also been quietly used to
4 collect millions of Americans' personal information justifies the
5 public's apprehension about government abuse of surveillance
6 powers. The LIBERT-E Act raises the standards needed to obtain
7 personal information in national security investigations, prevents
8 dragnets, and requires greater transparency on how agencies are
9 using the surveillance powers Congress grants them"; and

10 WHEREAS, Representative Tom McClintock, also of California,
11 stated: "A free society does not depend on a police state that tracks
12 the behavior of every citizen for its security. A free society depends
13 instead on principles of law that protect liberty while meting out
14 stern punishment to those who abuse it"; and

15 WHEREAS, The LIBERT-E Act enjoys bipartisan efforts from
16 hundreds of groups like *such as* the Electronic Frontier Foundation,
17 the American Civil Liberties Union, and the Republican Liberty
18 Caucus urging constituents to demand support from their
19 representatives; now, therefore, be it

20 *Resolved by the Assembly and the Senate of the State of*
21 *California, jointly*, That the Legislature urges Congress to pass
22 and the President to sign into law the Limiting Internet and Blanket
23 Electronic Review of Telecommunications and Email Act, and
24 ensure that the American people are protected from massive
25 invasions of their privacy; and be it further

26 *Resolved*, That the Chief Clerk of the Assembly transmit copies
27 of this resolution to the President and Vice President of the United
28 States, to the Speaker of the House of Representatives, to the
29 Minority Leader of the House of Representatives, to the Majority
30 Leader of the Senate, to the Minority Leader of the Senate, and to
31 each Senator and Representative from California in the Congress
32 of the United States, and to the author for appropriate distribution.